

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 1/19/11IN RE MUNICIPAL DERIVATIVES  
ANTITRUST LITIGATION

## THIS DOCUMENT RELATES TO:

*Active Retirement Community, Inc., d/b/a  
Jefferson's Ferry v. Bank of America, N.A., et  
al., Case No. 10-civ-4302*

MDL No. 1950

Master Docket No. 08-02516 (VM) (GWG)

STIPULATION AND ORDER  
CONCERNING RESPONSES TO FIRST  
AMENDED COMPLAINT

WHEREAS, on September 21, 2010, Plaintiff Active Retirement Community, Inc., d/b/a Jefferson's Ferry ("Plaintiff") filed its complaint in the above-captioned action (the "Complaint"), which action was subsequently transferred to the United States District Court for the Southern District of New York, MDL 1950;

WHEREAS, Plaintiff filed a First Amended Complaint on December 8, 2010 (the "Amended Complaint");

WHEREAS, Plaintiff and Defendants entered into a Stipulation, dated December 22, 2010 extending Defendants' time to respond to the First Amended Complaint until and including January 21, 2011;

WHEREAS, Defendants have not yet responded to the First Amended Complaint, except for Bank of America, N.A. and Merrill Lynch & Co. Inc. who filed an answer to the First Amended Complaint on December 22, 2010;

WHEREAS, Plaintiff has sought leave of Court to file a Second Amended Complaint and, on January 14, 2011, filed a proposed Order Granting Plaintiff Jefferson's Ferry Leave to File Second Amended Complaint;

WHEREAS, although the consent of Defendants other than Defendants JPMorgan

Chase & Co. and J.P. Morgan Securities LLC (collectively, "JPMorgan") is not required because no Defendant's position is compromised by this Stipulation, counsel for JPMorgan can nevertheless report that identified counsel for the other Defendants have been canvassed and all support the Court's approval of this Stipulation;

WHEREAS, Plaintiff agrees that submission of this Stipulation should be without prejudice to JPMorgan or any other Defendant to this action; and

WHEREAS, JPMorgan agrees that submission of this Stipulation should be without prejudice to Plaintiff or any other Plaintiff in a coordinated action;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendants JPMorgan Chase & Co. and J.P. Morgan Securities LLC, subject to the approval of the Court, as follows:

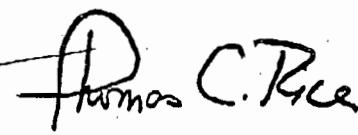
1. Defendants need not respond to the First Amended Complaint on January 21, 2011. Defendants need not respond to the First Amended Complaint thereafter as long as the Court grants leave for Plaintiff to file its Second Amended Complaint.

Dated: January 19, 2011

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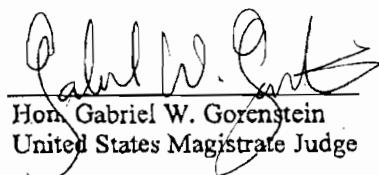
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*Counsel for Plaintiff Jefferson's Ferry*

So Ordered:

  
Hon. Gabriel W. Gorenstein  
United States Magistrate Judge

Dated:

January 19, 2011